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D.B. CIVIL REVIEW PETITION NO. 13/06
D.B. CIVIL REVIEW PETITION NO. 14/06
D.B. CIVIL REVIEW PETITION NO. 15/06
D.B. CIVIL REVIEW PETITION NO. 16.06

Date:- 02.08.2007

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. MAHESH CHANDRA SHARMA,J

Mr. K.K.Bissa, for the petitioner.
Mr. Anjay Kothari, for the respondents.

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In all four review applications, learned counsel Mr. Anjay Kothari appears for the respondents. These review petitions have been filed alleging that the main decision in Wealth Tax Appeal No. 5/06 decided on 9.3.2006, the appeal was dismissed on the ground that since the assessee has made a declaration of his wealth under KVSS and the matter has been settled in terms of the declaration for which a certificate was issued by the Commissioner, no dispute further remain in respect of any demand to be raised, on account of Wealth tax for the relevant assessment years.

The decision in Wealth Tax Appeal No. 5/2006 decided on 9.3.2006 has been followed in other Wealth Tax Appeals by the same assessee by separate orders. These four review petitions have been filed pointing out that since assessee has not deposited

tax determined by the Commissioner in terms of declaration made by the assessee under KVSS, the acceptance of his declaration for the purpose of KVSS has not become final. As a matter of fact, it is not now in dispute that since the assessee has failed to deposit the amount determined by the Commissioner under KVSS on his declaration no final settlement under KVSS has come into existence and, therefore,a very foundation of the order under review is non-existence.

In view of the aforesaid admitted position of fact there is an error apparent in judgment under review in each case. Accordingly, these review applications are allowed, judgment in each case is recalled and the case may be reheard on merit.

(MAHESH CHANDRA SHARMA),J. **(RAJESH BALIA),J.**

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